

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 06, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEVEN S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,
Defendant.

No. 1:20-CV-03119-SAB

**ORDER GRANTING
PLAINTIFF'S MOTION FOR
AUTHORIZATION OF
ATTORNEY FEES PURSUANT
TO 42 U.S.C. § 406(b)**

Before the Court is Plaintiff's Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. § 406(b), ECF No. 26. Plaintiff is represented by D. James Tree. Defendant is represented by Jeffrey Staples and Timothy Durkin.

On November 1, 2022, Magistrate Judge Alexander Ekstrom issued a Report and Recommendation that Plaintiff's Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. § 406(b) be granted. ECF No. 31. No opposition to the Report and Recommendation has been filed.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Court **adopts** Magistrate Judge Ekstrom's Report and Recommendation in its entirety.

2. Plaintiff's Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. § 406(b), ECF No. 26, is **GRANTED**.

3. The Court awards § 406(b) attorney fees to Mr. Tree in the amount of

**ORDER GRANTING PLAINTIFF'S MOTION FOR AUTHORIZATION OF
ATTORNEY FEES PURSUANT TO 42 U.S.C. § 406(b) ~ 1**

1 \$10,269.25. Plaintiff is due an offset of \$4,446.49 for previously paid EAJA fees,
2 leaving a net attorney fee due Mr. Tree of \$5,822.76.

3 4. The Social Security Administration is directed to release to Plaintiff's
4 counsel, Mr. D. James Tree, Section 406(b) attorney fees in the amount of
5 \$5,822.76 and any additional funds withheld by the Social Security Administration
6 for the payment of attorney fees be released to Plaintiff.

7 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
8 file this Order, provide copies to counsel, and **close** the file.

9 **DATED** this 6th day of December 2022.



13
14

A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

15 Stanley A. Bastian
16 Chief United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28